

REMARKS

Claims 1-22 are now pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1-7, 9-12, and 14-18 have been amended to improve their form and clarity to overcome the informalities identified by the examiner, and new claims 19-22 have been added. In this respect, the preamble of claims 17 and 18 have been revised to conform to U.S. patent practice, namely embodying a computer program in a computer-readable medium, to overcome the § 101 rejection. Moreover, claim 15 has been amended to properly depend from claim 14. No new matter has been introduced.

Specification Objection

The examiner objected to the specification essentially because the claims use terms that do not explicitly appear in the specification or are not readily ascertainable. Specifically, the examiner asserts that the specification does not disclose the following units: e-mail device, processing device, information collecting device, returning device, receiving device, decoding device, instructing device, acquisition requesting device, acquisition device, and determining device recited in claims 1-6.

The present specification discloses a monitoring apparatus 1 that comprises a computer or controller illustrated in Fig. 2. In this respect, the above-identified devices or units relate to the algorithm for programming the controller. The following provides examples of disclosure corresponding to the above-elements in question. The e-mail device/unit corresponds to steps S303 and S309 illustrated in Figs. 3-4 and described on page 23. The processing device/unit corresponds to steps 704 (Fig. 9), 901 and 902 (Fig. 11) described on pages 36-37. The information collecting device/unit and the returning device/unit correspond respectively to steps S1001 and S1002 illustrated in Fig. 11 and described on page 38. The receiving device/unit corresponds to the steps illustrated in Fig. 11 and 12 and described on pages 34-38. The decoding device/unit corresponds to step 901 described in the paragraph bridging pages 36-37.

The present specification also discloses a management apparatus 6, which can be a server. The instruction device/unit corresponds to step 1293 (Fig. 14) described on the paragraph bridging pages 41 and 42. The acquisition requesting device/unit corresponds to step 1205 described on page 42. The acquisition device/unit corresponds to step S1206

described on page 43. The determining device/unit corresponds to step S1208 described on page 44.

Art Rejection

Claims 1, 4, 9, 12, 17, and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ogura (USPGP 2004/0148379) in view of Oya (USP 6,954,720). Claims 2, 3, 5, 10, 11, and 13 were rejected under § 103(a) as unpatentable over Ogura in view of Oya and Anderson (USPGP 2004/0249934). Claims 6, 8, 14, and 16 were rejected under § 103(a) as unpatentable over Ogura in view of Oya and Sandahl (USP 6,098,098). Lastly, claims 7 and 15 were rejected under § 103(a) as unpatentable over Ogura in view of Oya, Sandahl, and Lim (USPGP 2003/0005351).

Applicant traverse these rejections at least to the extent that Oya, Ogura, and Anderson are not viable prior art as against this application because the earliest priority application has an earlier filing date than the earliest effective date of these references (even the later priority application has an earlier filing date than Oya). Applicant submits that the earlier priority application provides full support for independent claims 1, 4, 9, 12, 17, and 18. Applicant thus enclose verified English translations of both priority applications to perfect priority and render moot all art rejections.

Conclusion

Applicant submits that claims 1-22 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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